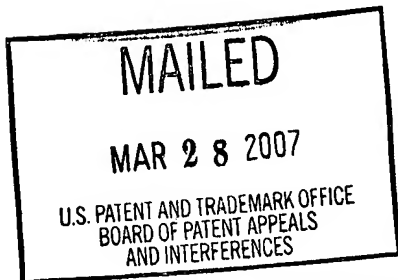


UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte BRIAN C. BARNES, GEOFFREY S. STRONGIN,
and RODNEY W. SCHMIDT



Application No. 10/010,161

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on December 20, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

An Information Disclosure Statement (IDS) was filed on February 23, 2006. It is not apparent from the record that the examiner properly considered the IDS submitted nor notified appellants of why the submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.


Application No. 10/010,161

Accordingly, it is

ORDERED that the application is returned to the Examiner for

1) consideration of the February 23, 2006 IDS, 2) written notification to appellant regarding the result of the examiner's consideration, and 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

PATRICK J. NOLAN
Deputy Chief Appeal Administrator
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PJN/eld

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